



# Town Council Agenda Report

**SUBJECT:** Ordinance

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 87-36 OF THE TOWN OF DAVIE BY AMENDING SECTION 3 THEREOF ENTITLED "WASTE FLOW CONTROL"; CREATING AN EXCLUSION FROM FLOW CONTROL RESTRICTIONS FOR SOLID WASTE GENERATED WITHIN THE TOWN OF DAVIE WHICH IS SHOWN TO BE DESTINED FOR TRANSPORTATION TO ANY DESTINATION OUTSIDE THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

This Ordinance amends Section 3 of the Town of Davie Ordinance regarding flow control and removes the restrictions on solid waste generated in Broward County and destined for disposal outside the State of Florida.

**DISCUSSION:** (include background, project summary, significant impacts, citizen participation, workload impacts, purpose, project workscope, evaluation and selection process, and conclusion)

Passage of the Fifth Amendment to the Interlocal Agreement with Broward County will also require a change in the Town of Davie's Ordinance that deals with flow control.

**CONCURRENCES:** (concerns and/or opinions of affected departments, Committees, Boards or Council)  
N/A

**FISCAL IMPACT:**  
N/A

**RECOMMENDATION(S):**  
Passage of Ordinance

**Attachment(s):**  
Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 87-36 OF THE TOWN OF DAVIE BY AMENDING SECTION 3 THEREOF ENTITLED "WASTE FLOW CONTROL"; CREATING AN EXCLUSION FROM FLOW CONTROL RESTRICTIONS FOR SOLID WASTE GENERATED WITHIN THE TOWN OF DAVIE WHICH IS SHOWN TO BE DESTINED FOR TRANSPORTATION TO ANY DESTINATION OUTSIDE THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 87-36 was adopted by the Town of Davie, pursuant to Section 3.3 of the November 25, 1986, Interlocal Agreement by and between Broward County and various municipalities including the Town of Davie (hereinafter the "Interlocal Agreement"), to provide for the delivery of solid waste generated within the Town to the Resource Recovery System described within Ordinance No. 87-36 and the Interlocal Agreement; and

WHEREAS, since the adoption of Ordinance No. 87-36, decisions by various courts regarding the delivery of solid waste suggest that Ordinance No. 87-36 should be updated and revised; and

WHEREAS, consistent with the Town's obligations pursuant to the Interlocal Agreement, the Town is amending Ordinance No. 87-36 to exclude solid waste destined for transportation to locations outside of the State of Florida from the provisions of the Town's Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The "Whereas" clauses set forth in the preamble of this Ordinance are hereby approved and confirmed.

SECTION 2. That Section 3 of Ordinance No. 87-36 is hereby amended to read as follows:

Section 3. Waste Flow Control.

(a) It is the purpose of this Article to require all inhabitants and persons within the Town of Davie, Florida, to use exclusively the Resource Recovery System identified in the Interlocal Agreement for the disposal of all solid waste generated within the Town of Davie for the purpose of insuring that the Resource Recovery System receives an adequate quantity of solid waste from solid waste generated within its boundaries.

(b) The Town of Davie, Florida, hereby directs that all solid waste generated within its geographic boundaries be delivered to the resource recovery system transfer or disposal facility or facilities designated in the plan of operation under the Interlocal Agreement and

further hereby relinquishes all title and interest in solid waste collected or generated within its geographical boundaries upon delivery of such solid waste to the resource recovery system transfer or disposal facility or facilities designated in said plan of operations.

(c) The Town of Davie, Florida, will conform the terms and conditions of any agreement that it may have with a hauler of solid waste to the terms and conditions of the Interlocal Agreement.

(d) Nothing herein is intended to either discourage or prohibit either voluntary or locally ordained solid waste segregation programs segregating scrap or new or used materials at the point of generation and held for purposes of recycling.

(e) Waste generated in the Town of Davie, Florida, which is shown to be destined for transportation to any destination outside of the State of Florida based upon a sworn affidavit of a hauler delivered to the Town of Davie reciting facts which evidence the transportation and disposal of waste outside the State of Florida is excluded from the flow control restrictions contained herein.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4 If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.